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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

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| UNITED STATES OF AMERICA, |) | CR No. 09-0627 EMC |
| Plaintiff, |) | STIPULATION AND [PROPOSED] ORDER |
| v. |) | EXCLUDING TIME UNDER 18 U.S.C. § 3161 |
| KELLY DARLING |) | |
| Defendant. |) | |

The parties are scheduled to appear before this Court on October 21, 2009 for status.

Defense counsel has requested additional time to complete further investigation that would be helpful to determine whether the parties can resolve the case or whether the defense will file a motion to suppress evidence. The defense requests that the matter be continued to November 24, 2009 at 9:30 a.m. Based on the aforementioned information, the government has no objection to the request.

The parties also agree that the time between October 21, 2009 and November 24, 2009 should be excluded under the Speedy Trial Act. The continuance is necessary for continuity of defense counsel and represents the reasonable time necessary for effective preparation of counsel, 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), and the ends of justice served by granting

1 such a continuance outweigh the best interests of the public and the defendant in a speedy trial.

2 18 U.S.C. § 3161(h)(7)(A).

3 SO STIPULATED:

4 JOSEPH P. RUSSONIELLO
5 United States Attorney

6 DATED: October 20, 2009

/s/

7 ACADIA SENESE
8 Special Assistant United States Attorney

9 DATED: October 20, 2009

/s/

10 SHAWN HALBERT
11 Assistant Federal Public Defender

12 For the reasons stated above, the Court finds that the continuance of time for the next
13 hearing before this court from October 21, 2009 to November 24, 2009 is warranted because the
14 failure to grant the requested continuance would deny the defendant continuity of counsel and
15 effective preparation of counsel; thus, the ends of justice served by the continuance outweigh the
16 best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161 (h)(7)(A),
17 (h)(7)(B)(iv).

18 SO ORDERED.

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20 DATED: 11/24/09

